

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S
AMENDED COMPLAINT**

**Note on Motion Calendar:
June 3, 2022**

For reasons stated herein, Defendants, by and through their undersigned counsel, respectfully request that the date for responding to Plaintiff Bungie, Inc.'s Amended Complaint, (Dkt#34) filed May 19, 2022 be extended two weeks to, and including June 17, 2022. This request is made in light of the following:

1. Defendants' undersigned counsel underwent ankle replacement surgery on April 22, 2022 and has been limited in his mobility during his recovery. This has affected his ability to perform his tasks as effectively and quickly as would otherwise be possible.

2. This Court's April 27, 2022 Order (Dkt#33) set the due date for Plaintiff's Amended Complaint as May 27, 2022, with Defendants' response due two weeks later.

3. Plaintiff filed its Amended Complaint more than one week earlier on May 19, 2022, making Defendants' response due more than one week earlier than originally anticipated.

4 In addition, Plaintiff, also on May 27, 2022, filed a motion for preliminary injunction, with a noting date of June 10, 2022. Defendants' response to that motion is due on June 6, 2022, and undersigned counsel is presently drafting an opposition to that motion.

5. Defendants seek the requested extension in order to permit them to prepare and file a meaningful response to the Amended Complaint. Given the current timing, it appears Plaintiff may be engaging in gamesmanship in the timing of both their Motion for Preliminary Injunction and their Amended Complaint, which appear to be designed to make multiple filings due in a short period of time.

6. Given that this case has been pending for many months, and given that the actions complained of have been voluntarily been discontinued by Defendants for well over one year, it is clear that timing is not of the essence in this case and that the short delay requested will have no prejudice to Plaintiff.

For all the foregoing reasons, Defendants respectfully request that their period for responding to the Amended Complaint be extended to and including June 17, 2022.

Such action by this Court is respectfully requested.

Dated June 3, 2022.

/s/ Philip P. Mann

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